

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

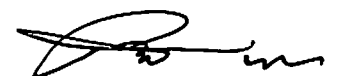
FILED
U.S. BANKRUPTCY COURT, WDNC
DEC 12 2018
Steven T. Salata, Clerk
Charlotte Division/CCH

In Re:)	
)	
ACE MOTOR ACCEPTANCE)	Case No: 18-30426
CORPORATION,)	Chapter 11
)	
Debtor.)	
)	
)	
)	
ACE MOTORS ACCEPTANCE)	
CORPORATION,)	
)	
Plaintiff.)	Adversary Proceeding No 18-3036
)	
v.)	
)	
MCCOY MOTORS, LLC, MCCOY)	
MOTORS, LLC d/b/a RIDE FAST;)	
ROBERT MCCOY JR. and MISTY)	
MCCOY,)	
)	
Defendants.)	
)	

MOTION OF ORDER TO RECONSIDER, SHORTEN NOTICE EMERGENCY, TO QUASH ALL SUBPOENAS FROM DOCUMENT'S # 116 AND #119. REQUEST FOR THE COURT TO MAKE A RULING BEFORE THEY ARE SENT OUT BY PLAINTIFF OR HEARING DATE OF DECEMBER 18TH, 2018 OR SOONER.

Background: First, McCoy (Pro Se) would like to apologize to the court, it was McCoy's understanding that both NC and Federal Rules / Laws applied in the Western District of NC. (Example: Being that McCoy cannot represent his company due to a NC Law, also Plaintiffs' counsel referenced NC law when asking for a receiver for McCoy and Flash. even thou Federal Law has its own Law for Receivership 28 U.S. Code § 3103).

Therefore we ask the court to reconsider the motion to Quash all subpoenas from Documents #116 and #119 based on the following below. We understand there doesn't seem to be a law that requires the court to reconsider, however there does seem to be precedent.



1. Plaintiffs' counsel consistently refers to "Parties" as "The following documents related to *McCoy Motors, LLC; Ride Fast; Flash Motors LLC; Robert Bruce McCoy, Jr.; Robert Bruce McCoy, III and Misty McCoy* (the "Parties") for the time period from January 1, 2017 to present:" (Just 1 example Document 119 page 10 of 46). Flash nor McCoy III are parties to this proceeding.
2. Next Plaintiffs' counsel was supposed to serve the Notice of Intent to serve before actually serving the Subpoenas. However as you can see on document #116 page 7 of 28 and the same seems to apply to every other Subpoena Plaintiff's counsel issued, Mr. Henderson signed under penalty of perjury that he had already served the Subpoena's (this is before giving the defendants a chance to even review the Notice of Intent).
3. Mr. Henderson marked the box "I served the subpoena by delivering a copy to the named person as follows". However this only shows that Mr. Henderson sent mail out not that anyone actually received said mail or who received it.
4. Request that anything Plaintiffs' attorney receives due to these subpoenas be unopened and destroyed.

WHEREFORE, the Defendant prays that it be granted the relief set forth herein, together with other such relief as is just under the circumstances.

CERTIFICATE OF SERVICE

This is to certify that I this day served a copy of the attached DEFENDANT'S MOTION OF ORDER TO RECONSIDER, SHORTEN NOTICE EMERGENCY, TO QUASH ALL SUBPOENAS FROM DOCUMENT'S # 116 AND #119. REQUEST FOR THE COURT TO MAKE A RULING BEFORE THEY ARE SENT OUT BY PLAINTIFF OR HEARING DATE OF DECEMBER 18TH, 2018 OR SOONER, via Clerk of Court via all parties or their attorney of record requesting notice and via email and/or the United States Post Office to the following:

This 12th day of December, 2018.



Robert McCoy Jr.
mccoymotors@live.com
mmccoy@hotmail.com
robmccoy@comporium.net

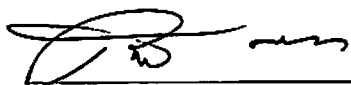
LANG LAW FIRM
/s/ Kristin Harmon Lang



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Respectfully submitted this 12th day of December, 2018



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